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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,254	03/22/2002	Mervyn Stanley Curtis	3607WI-5	4542

7590

09/22/2004

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,254

Applicant(s)

CURTIS ET AL.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 22-25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 13-15, 17-21, 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/09856.

Regarding claims 1, 13, 26, 28, WO 97/09856 discloses a portable loudspeaker (loudspeaker 81; Fig. 4) for use with a personal player (CD player), the portable loudspeaker comprising a sound generating unit in a housing having an outer periphery in the shape of a storage device (loudspeaker 81 is housed in a panel 40 which is clearly in the shape of a CD box, i.e. rectangular; see Fig. 4).

Regarding claims 2-8, 13-14, 28, panelform member 40 can be considered as a lid which is hinged to box enclosure 85 (see Fig. 4; page 11, lines 10-24).

Regarding claims 9, 15, 17, a second panelform member 40 is a second lid which houses a second loudspeaker 81, with the device housing being in the shape of a double CD box (see Figure 4).

Regarding claims 10, 18, 27, 29, each panelform loudspeaker 40 comprises a distributed mode acoustic radiator (2) and transducer (9) (page 11, line 25 – page 12, line 12).

Regarding claims 19-21, 26, 28, WO 97/09856 discloses a loudspeaker (panelform loudspeaker 81) comprising an acoustic radiator (panel 2) and a transducer (9) for producing an

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acoustic output (page 5, lines 1-16), characterized in that the acoustic radiator comprises a first region (patches of bitumen-based material is provided within panel 2 in order to damp excessive movement; page 9, lines 2-12) and a second region (panel 2 has a uniform stiffness; page 1, lines 20-28).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/09856 in view of Park (US 5,349,575).

WO 97/09856 differs from claims 11-12 in that it does not specify a radio receiver. However, Park teaches the desirability of incorporating a radio receiver (AM/FM tuner 25; Abstract; col. 1, lines 43-46; col. 4, lines 34-38) within a portable CD player such that it would have been obvious to an artisan of ordinary skill to incorporate a radio receiver, as taught by Park, within the CD player of WO 97/09856 in order to provide the user with a selection of audio source options.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/09856 in view of Naruki (US 4,450,495).

WO 97/09856 differs from claim 16 in that it does not specify a plug and socket connection. However, Naruki teaches the well known use of a socket and plug connection

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(connectors 63, sockets 58; Figures 6 and 8) for connecting a speaker to a portable audio player as an alternative to a hardwired connection such that it would have been obvious to an artisan of ordinary skill to incorporate such a plug and socket connection, as taught by Naruki, within the personal audio player system of WO 97/09856 in order to allow the user the option of disconnecting the speakers from the player.

Allowable Subject Matter

6. Claims 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

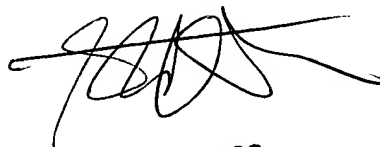
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Annaratone and Cota show other relevant loudspeaker systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Stella Woo', with a stylized, sweeping flourish extending to the right.

STELLA WOO
PRIMARY EXAMINER